IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WA.No. 117 of 2006(B)

AGAINST THE JUDGEMENT IN OP.8438/1997
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APPELLANTS: RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY COMMISSIONER AND SECRETARY
SCHEDULED CASTE/SCHEDULED TRIBE DEVELOPMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. SCRUTINY COMMITTEE FOR VERIFICATION OF
SC/ST CLAIM, REP. BY CHAIRMAN, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE, IDUKKI.

BY SPECIAL GOVERNMENT PLEADER SMT.P.K.SANTHAMMA

RESPONDENT: PETITIONER:

T.N. RADHAKRISHNAN,
THOPPIL HOUSE, MIG-6, GANDHINARA HOUSING COLONY,
THODUPUZHA EAST P.O., IDUKKI.

BY ADV. SRI.S.VENKATASUBRAMONIA IYER(SR.)
SRI.T.M.CHANDRAN
SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2006, ALONG WITH WA NOS. 167 & 308 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.A. Nos.117, 167 & 308 of 2006

Dated, this the 11th day of December, 2006

JUDGMENT

V.K.Bali, C.J.(Oral)

By this common judgment we dispose of three connected writ appeals bearing Nos.117, 167 and 308 of 2006 as common questions of law and facts are involved in all the appeals. The bare minimum facts that need a necessary mention, are however, extracted from W.A.No.308 of 2006 filed by the Commissioner of Entrance Examinations and Convenor of Screening Committee and others v. Aanjali R.

2. Way back in 1995 the petitioner in O.P.No.14445 of 1995 sought admission for Engineering. She claimed the benefit of inter-caste marriage of her parents. In support of her such claim she produced Ext.P2 certificate issued to her mother. It is the case of the petitioner that if one of her parents may be of Scheduled Caste she will have the advantage as may be admissible to such a category, i.e. being an offspring of one of the parents being a Scheduled Caste. Ext.P2 certificate belonged to her mother certified way back in 1979 that her mother was a Scheduled Caste was, however, doubted by the Screening

Committee. It is at that stage that the petitioner challenged the proceedings of the Committee and the learned Single Judge before whom the matter came up for hearing passed the following order:

> "Petitioner claims the benefit of the children born to inter-caste married couple. It is seen from Ext.P2 that petitioner's mother belongs to a Scheduled Caste Community of Hindu Vannan. It is seen from Ext.P4 prospectus that if one of the parents in an inter-caste married couple belongs to Scheduled Caste Community, the children born to them can claim the benefit of the Community. It is for that benefit the petitioner approached the authorities and not for a declaration that the petitioner belongs to Scheduled Caste. Therefore, I dispose of the writ petition making it clear that the petitioner has availed only the benefit available to the children born to inter-caste married couple as per the prospectus and hence the admission granted to her shall be treated as valid for all purposes.
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> The writ petition is disposed of as above."

3. It is the conceded position that Ext.P2 was doubted without even issuing notice to the mother of the petitioner in O.P.No.14445 of 1995. We may however mention that it is not disputed that one of the parents, i.e. the mother of the petitioner, was a Scheduled Caste. It is, however, urged that the mother of the petitioner was also an offspring of an inter-

caste married and therefore the petitioner may not be included in the category of Scheduled Caste. In the proceedings initiated against the petitioner, we are of the view, that the certificate of her mother issued years earlier could not be doubted and that too without issuing her a notice or hearing her in the matter. Writ Appeal No.308 of 2006 is devoid of any merit. Dismissed. It is the conceded position that if W.A.No.308 of 2006 is dismissed, the connected appeal, W.A.No.167 of 2006, has also to be dismissed. So ordered. W.A.No.117 of 2006 has also to be dismissed which pertains to prosecution for obtaining the certificate of the father of the petitioner in O.P.Nos.14445 of 1995 and 7460 of 1997/ respondent in W.A.Nos.167 and 308 of 2006. So ordered.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns